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13 *Attorneys for Plaintiffs*

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA

18 BRIAN CHAVEZ AND BRANDON
19 BRACAMONTE, on behalf of themselves
and all others similarly situated,

20 Plaintiffs,

21 v.

22 COUNTY OF SANTA CLARA,

23 Defendant.

24 No. 1:15-cv-05277-NJV

25 CLASS ACTION

26 **DECLARATION OF DONALD
SPECTER IN SUPPORT OF JOINT
MOTION FOR CLASS
CERTIFICATION**

1 1. I am an attorney at law admitted to practice before the courts of the state of California
2 and before this Court. I am Executive Director of the Prison Law Office, and lead counsel for
3 Plaintiffs in this litigation. I make this declaration in support of the parties' Joint Motion for Class
4 Certification. If called as a witness, I would and could competently testify to the facts stated herein,
5 all of which are within my personal knowledge.

6 2. The attorneys of the Prison Law Office are committed to the vigorous, effective, and
7 efficient prosecution of the interests of Plaintiffs and the proposed class (the "Class") and the
8 subclass, a commitment the Prison Law Office lawyers have demonstrated in their representation of
9 Plaintiffs in the proceedings to date in this matter.

10 3. Based on my experience with them, it is my belief that the attorneys from Cooley
11 LLP and Kendall Dawson Wasley are likewise committed to the vigorous, effective, and efficient
12 prosecution of this matter.

13 4. The Prison Law Office, Cooley LLP and Ms. Wasley (collectively, "Plaintiffs'
14 counsel") have been working diligently on the matter by interviewing Plaintiffs and other members
15 of the Class and subclass to develop the factual record and legal issues underlying this case,
16 performing legal research about potential claims and relief available to the Class, and drafting a
17 lengthy and detailed complaint as well as this class certification motion. In addition, since the filing
18 of the complaint Plaintiffs' counsel have been negotiating the substance of remedial plans with the
19 Defendant County of Santa Clara County.

20 5. The Prison Law Office engages in class action and other impact litigation to improve
21 the conditions of prisons and jails for adults and children, represents individual prisoners, educates
22 the public about prison conditions, and provides technical assistance to attorneys throughout the
23 country. I joined the Prison Law Office in 1979, and became its executive director in 1984. I have
24 litigated numerous large-scale prisoner and parolee class actions for the last 30 years, including
25 successfully arguing before the U.S. Supreme Court in *Brown v. Plata*, 563 U.S. 493 (2011) (holding
26 the court-mandated population limit for California prisons was necessary to remedy violations of
27 prisoners' constitutional rights to adequate medical and mental health care) and *Pa. Dep't of Corr. v.
28 Yeskey*, 524 U.S. 206 (1998) (unanimously holding the Americans with Disabilities Act applies to

1 state prisoners). Other class action and impact litigation cases brought by myself and the Prison Law
 2 Office involving the rights of prisoners include *Gates v. Deukmejian*, 987 F.2d 1392 (9th Cir. 1993)
 3 (conditions, psychiatric and medical care, and HIV discrimination at California Medical Facility);
 4 *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995) (conditions, medical and mental health care,
 5 guard brutality, due process, personal safety, access to law libraries at Pelican Bay State Prison);
 6 *Coleman v. Wilson*, 912 F. Supp. 1282 (E.D. Cal. 1995) (statewide class action on the adequacy of
 7 mental health care in California prisons); *Clark v. California*, 123 F.3d 1267 (9th Cir. 1997)
 8 (statewide class action on behalf of developmentally disabled California prisoners under the
 9 Americans with Disabilities Act); *Armstrong v. Wilson*, 124 F.3d 1019 (9th Cir. 1997) (statewide
 10 class action on behalf of physically disabled California prisoners under the Americans with
 11 Disabilities Act and the Rehabilitation Act); *Plata v. Schwarzenegger*, Case No. 3:01-cv-01351-TEH
 12 (N.D. Cal. 2001) (statewide class action challenging inadequacy of California prisoner health care);
 13 *Valdivia v. Davis*, 206 F. Supp. 2d 1068 (E.D. Cal. 2002) (statewide class action challenging the lack
 14 of due process in California Board of Prison Terms parole revocation proceedings); *Perez v. Tilton*,
 15 Case No. 3:05-cv-05241-JSW (N.D. Cal. 2005) (statewide class action challenging inadequacy of
 16 California prisoner dental care); *Farrell v. Tilton*, Case No. 3079344 (Alameda County Sup. Ct.
 17 2003) (taxpayer action to reform the conditions of confinement for wards under the jurisdiction of
 18 the Division of Juvenile Justice [formerly California Youth Authority]). Under my direction the
 19 Prison Law Office also has litigated successfully several cases challenging conditions in county jails
 20 in California, including *Hall v. Cty. of Fresno*, Case No. 1:11-cv-02047-LJO-BAM (E.D. Cal.)
 21 (Consent Decree, Dkt. 112); *Gray v. Cty. of Riverside*, Case No. EDCV 13-0444 VAP (Opx) (C.D.
 22 Cal) (Consent Decree, Dkt. 173); and *Topete v. Cty. of San Bernardino*, Case No. 5:16-cv-00355-
 23 VAP-DTB (C.D. Cal.) (pending).

24 **6.** Margot Mendelson, a staff attorney at the Prison Law Office, also is working on this
 25 case. Ms. Mendelson became a member of the State Bar of California in 2010 and has previously
 26 worked on prison cases as an associate at Rosen, Bien, Galvan & Grunfeld, including *Armstrong v.*
 27 *Brown, supra*, and *Coleman v. Brown, supra*. In *Coleman*, Ms. Mendelson participated actively in a
 28 post-judgment trial.

7. The Prison Law Office has dedicated and will continue to commit substantial resources to the representation of this class.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of September, 2016 at Berkeley, California.

Dated: September 9, 2016

/s/ Donald Specter
Donald Specter

ATTESTATION

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S) within this e-filed document.

**SPECTER DECL. IN SUPPORT OF JOINT MOTION FOR
CLASS CERTIFICATION
CASE NO. 1:15-cv-05277-NJV**